



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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### MINUTES DECEMBER 13, 2005

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, Donald Kennedy, Jack H. Knapp, Robert Melillo, and Alternates Jean Anderson, Victoria Hickey and Joseph Notaro, Jr. Also present was Planning Director Dennis Elpern.

Chairman Knapp led the Commission in the Pledge of Allegiance.

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### ELECTION OF OFFICERS

Chairman Knapp asked for nominations for Chairman. Mr. Jowdy nominated Mr. Haddad and Mr. DiCaprio seconded the nomination. Mr. Farah nominated Chairman Knapp and Ms. Hoffstaetter seconded the nomination. There were no other nominations. Mr. Kennedy made a motion to close the nominations. Ms. Hoffstaetter seconded that motion. The vote was taken by roll call with Chairman Knapp being re-elected Chairman with five votes (from Mr. Farah, Ms. Hoffstaetter, Mr. Kennedy, Mr. Melillo and Chairman Knapp), while Mr. Haddad received four votes (from Mrs. Buzaid, Mr. DiCaprio, Mr. Jowdy and Mr. Haddad).

Chairman Knapp then asked for nominations for Vice Chairman. Mr. Haddad nominated Mr. Jowdy and Mrs. Buzaid seconded the nomination. Ms. Hoffstaetter nominated Mr. Farah and Mr. Melillo seconded the nomination. There were no other nominations. Mr. Kennedy made a motion to close the nominations. Ms. Hoffstaetter seconded that motion. Chairman Knapp took a roll call vote and Mr. Farah was elected Vice-Chairman with five votes (from Mr. Farah, Ms. Hoffstaetter, Mr. Kennedy, Mr. Melillo and Chairman Knapp), while Mr. Jowdy received four votes (from Mrs. Buzaid, Mr. DiCaprio, Mr. Jowdy and Mr. Haddad).

At this time, Mr. Jowdy excused himself and left the meeting.

### ADOPTION OF ROBERT'S RULES OF ORDER.

Ms. Hoffstaetter made a motion to adopt Robert's Rules of Order. Mr. Kennedy seconded the motion and it was passed unanimously by voice vote.

#### SETTING OF EFFECTIVE DATE FOR APPROVALS GRANTED BY THE COMMISSION.

Mr. Elpern explained that past policy had been to have all approvals become effective fifteen days after the decision is published in the legal notices. He added that we now have a written policy which allows the Commission the flexibility to set a specific date as the effective date if they so choose. He read the language into the record: "*The effective date of any amendment duly made by the City of Danbury Zoning Commission to provisions of the Zoning Regulations or zoning district boundaries on the Official Zoning Map shall be either (1) immediately after filing of the approved amendment in the office of Town Clerk and after publication of the notice of the decision in a newspaper having a substantial circulation in the City, as specified in Sec. 8-3 of the C.G.S., whichever occurs last, or (2) any subsequent date to such actions as determined by the Zoning Commission and entered as part of the motion to approve the amendment*". Mr. DiCaprio made a motion to approve this policy as written. Mr. Kennedy seconded the motion and it was passed unanimously by voice vote.

#### APPOINTMENT OF ZBA SUBCOMMITTEE – THREE MEMBERS.

Chairman Knapp explained the provision in the Zoning Regulations which requires both the Zoning Commission and the Planning Commission to make recommendations in the case of Use Variance applications. He said there are probably only about three to six of these applications in a given year. The subcommittee usually goes out and looks at the property and then gives a little verbal report to the rest of the Commission. A motion is then made to give either a positive or negative recommendation to the application. He asked Mrs. Buzaid to be on the subcommittee since she had done it during the previous two years and she was the only member that was re-elected. Mrs. Buzaid declined. Chairman Knapp asked for volunteers and Mr. DiCaprio volunteered as he had been on this subcommittee during some of his previous terms on the Commission. Mr. Melillo then volunteered and Chairman Knapp then asked for one more person. Mr. Farah then volunteered. Chairman Knapp then said the subcommittee would consist of Mr. DiCaprio, Mr. Melillo and Mr. Farah.

#### DISCUSSION OF PROCEDURES WITH PLANNING DIRECTOR.

Mr. Elpern reviewed a memo that he wrote to the Commission about procedures, as well as an additional memo written by the Commission secretary regarding the same material. He said all of the members were provided with a schedule of regular meeting dates, and copies of the Zoning Regulations, the Plan of Conservation & Development, a Zoning Map and the recently completed Transportation Plan. He said it is of utmost importance that members bring their Zoning Regulations to the meetings, especially when we are

looking at amendments to the Regulations. He explained how the Plan of Conservation & Development is the guide for all development in the City. He spoke briefly about ex-parte communications and conflict of interest issues. He said that the Commission members should always feel free to contact our office with any questions or concerns either by e-mail or by telephone.

DISTRIBUTION OF ZONING REGULATIONS, PLAN OF CONSERVATION & DEVELOPMENT AND ZONING MAPS AND TRANSPORTATION PLANS.

Chairman Knapp said the secretary had distributed all of these things at the beginning of the meeting.

DISCUSSION OF CHANGE TO STATE STATUTES REGARDING DESIGNATED AGENCY FOR APPROVAL OF CERTIFICATES OF LOCATION FOR THE FOLLOWING MOTOR VEHICLE USES: NEW CAR DEALER'S LICENSE, USED CAR DEALER'S LICENSE, GENERAL REPAIRER'S LICENSE, LIMITED REPAIRER'S LICENSE, SALES OF GASOLINE AND THE OPERATION OF A MOTOR VEHICLE RECYCLING BUSINESS.

Mr. Elpern explained that the State Statutes had changed in October regarding designating a local agency to give zoning approval for Motor Vehicle Businesses. He said the Zoning Board of Appeals has always been the designated agency, so this is a big change. Unfortunately there is not a lot of information available and the language changes that were made to the State Statutes are not really clear. He said he has been working with Corporation Counsel to try to determine how this should be handled, but they do not have it entirely worked out yet. He said the criteria listed in the Statutes for this is quite vague. It is a similar situation to when this Commission acts as a liaison for the Liquor Control Commission regarding licenses to sell or serve liquor. Mr. Elpern said he does not believe this is something this Commission should have responsibility for. There were many questions raised by the Commission members and Mr. Elpern said we do not yet have answers. We hope that Corporation Counsel will be able to give us some guidance as to how we should handle this. He said ideally when the Commission sees these requests listed on an agenda, they should know that the use is permitted in the zone and that the proposed location has not been the site of any problems regarding this use. There still were a myriad of questions which Mr. Elpern could not answer. He said we would discuss this further later in the meeting.

SCHEDULE OF REGULAR MEETINGS FOR 2006.

Chairman Knapp noted that everyone was given a schedule of meetings in their packets. He said attendance is expected at every meeting, even for the Alternates. He explained that many times a petition will be an open matter for several meetings and then when it is time to vote on it, some of the regular members cannot make the meeting, so then we

definitely need alternates. He asked that the members advise either the Chairman or the secretary in advance if they know they cannot make a meeting.

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Mr. Farah made a motion that the minutes of the November 15, 2005 meeting be accepted and placed on file. Ms. Hoffstaetter seconded the motion and it was passed unanimously by voice vote.

Chairman Knapp read a letter from Attorney Paul Jaber requesting that the public hearing regarding the following matter be tabled tonight and rescheduled for the next regular meeting on January 10, 2006:

Petition of Woodland Group II, LLC, Saw Mill Rd. & 13-37 Old Ridgebury Rd. (#A16002 & #C16012) to Amend the Revised Master Plan for Planned Neighborhood Development ("The Reserve") originally approved on 11/26/02 and amended 9/28/04. *This matter was re-scheduled from the November 15, 2005 meeting.*

Mr. DiCaprio made a motion to table this matter. Mr. Kennedy seconded the motion.

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REQUESTS FOR APPROVAL OF CERTIFICATE OF LOCATION FOR MOTOR VEHICLE LICENSES:

- 1) William Hagan, Agent for Saturn of CT, Inc., 62-84 Federal Rd. (#K11059, #K11111, #K11159, #K11160 & #K11161), Request for a Certificate of Location Approval for a New Car Dealer's License as required by Sec. 2-4 of P.A. #03-184 of the State of CT. (CG-20 Zone)

Mr. Kennedy made a motion to table this matter until the next meeting. Mr. Melillo seconded the motion and it was passed with seven AYES (from Mrs. Buzaid, Mr. Farah, Mr. Haddad, Ms. Hoffstaetter, Mr. Kennedy, Mr. Melillo and Chairman Knapp) and one NAY (from Mr. DiCaprio)

- 2) Constitution Lube d/b/a Jiffy Lube, 112A Federal Rd. ( #L09018), Request to Waive Public Hearing for Previously Approved Location for General Repairer's License. Location originally approved for Suburban Lubrication Inc. for General Repairer's License on September 13, 1990 and again for American Oil Change Corp. for General Repairer's License on May 26, 1994. (CG-20 Zone)

There was brief discussion about how this specific business has existed at this site continuously and there have been no problems there. Chairman Knapp asked Mrs.

Anderson to take Mr. Jowdy's place for this possible vote on this matter. Mr. DiCaprio then made a motion to approve this request since the business has been in existence many years and this applicant does not propose to make any changes to the operation. The motion was seconded by Ms. Hoffstaetter and passed unanimously by voice vote.

Mrs. Buzaid asked how they would know if the use is okay in this zone. Mr. Elpern said we would not schedule this on an agenda if it was not permitted in the zone. Mrs. Anderson said she is not comfortable with this responsibility unless they get more information and guidance. Mr. Elpern assured the Commission that we would get more information and discuss this again at the next meeting.

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Chairman Knapp reviewed the Correspondence which consisted of Five Cease & Desist Orders. He explained that these are listed on the agenda so the Commission knows that the Zoning Enforcement Officer is doing his job. Typically a Cease & Desist Order gets issued after a visit is made to a site the property and the ZEO informs the person they are in violation and gives them a set amount of time to clear it up. If it is not done by that date or they have not worked out some solution, then the Cease is issued. Also, when the blight team finds violations, then all of the departments involved issue their equivalent of this document. He said if any of the members have questions or want copies of these, they should contact the Commission secretary.

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Chairman Knapp reviewed the For Reference Only, which listed the public hearing scheduled for January 10, 2006 (the one that was tabled earlier in tonight's meeting). He pointed out that this is where pending petitions and any special meetings would be listed.

At 9:00 PM, Ms. Hoffstaetter made a motion to adjourn. Mr. Kennedy seconded the motion.